

30	Section 112.1	Section 112.2	Section 112.5
31	Section 112.6	Section 113.1	Section 113.4
32	Section 201.3	Section 302.1	Section 302.3
33	Section 302.4	Section 302.5	Section 302.6
34	Section 304.3	Section 304.5	Section 304.7
35	Section 304.14	Section 304.19	Section 305.1.1
36	Section 307.1	Section 309.1	Section 401.3
37	Section 404.4.1	Section 404.5	Section 404.5.1
38	Section 404.5.2	Section 502.5	Section 504.3
39	Section 505.1	Section 505.4	Section 505.5
40	Section 505.5.1	Section 506.3	Section 602.2
41	Section 602.3	Section 602.4	Section 604.2
42	Section 604.3.1.1	Section 604.3.2.1	Section 605.3
43	Section 605.4	Section 606.1	Section 606.2
44	Section 702.1	Section 702.2	Section 702.3
45	Section 702.4	Section 704.1	

(C) The city clerk must retain a copy of the 2021 Property Maintenance Code with the official ordinances of the City of Austin.

§ 25-12-212 CITATIONS TO THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE.

In the City Code, “Property Maintenance Code” means the 2021 International Property Maintenance Code adopted by Section 25-12-211 (*Property Maintenance Code*), as amended by Section 25-12-213 (*Local Amendments to the International Property Maintenance Code*). In this article, “this code” means the Property Maintenance Code.

56 § 25-12-213 LOCAL AMENDMENTS TO THE 2021 PROPERTY
57 MAINTENANCE CODE.

58 Each provision of this section is a substitute for any identically numbered
59 provision of the 2021 Property Maintenance Code deleted by Section 25-12-211(B)
60 (*International Property Maintenance Code*) or is an addition to the 2021 Property
61 Maintenance Code.

62 **101.1 Title.** These regulations are known as the City of Austin Property Maintenance
63 Code and are referred to as the “Property Maintenance Code” or “this code.”

64 **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or
65 changes of occupancy, must be done in accordance with the procedures and provisions of
66 Title 25 (*Land Development Code*).

67 **103.1 General.** The City Manager must designate the department or departments charged
68 with enforcement of this code.

69 **103.2 Designation.** The City Manager must designate a code official.

70 **103.3 Inspectors.** The code official may designate inspectors to assist with enforcement
71 of this code. Such employees must have powers and duties delegated by the code
72 official.

73 **104.1 Costs.** The City may assess a property owner for costs incurred to demolish, board,
74 fence, secure, vacate, relocate occupants, repair, treat, remediate or similar action
75 identified in this code. This includes the costs incurred because a property owner fails to
76 comply with a Commission order. Unless exempted by the Texas Constitution, the
77 expense incurred by the City under this code may be recorded as a lien against the real
78 property on which the building, structure, or noncompliant condition is located, with
79 interest on the unpaid balance to accrue at the maximum rate allowed by law.

80 **104.2 Funds.** Unless otherwise provided for or directed by a Commission order, a cost
81 incurred by the city or its agent to repair, remediate, vacate, relocate occupants from,
82 secure, or clean a structure, building, or property because an owner fails to comply with a
83 Commission order must be paid from demolition funds budgeted by the city council.

84 **105.2 Inspections.** The code official is authorized to make inspections and may consider
85 written inspection reports prepared and certified by approved agencies or individuals. The
86 code official is authorized to engage such expert opinion as deemed necessary to report
87 upon unusual technical issues that arise.

88 **105.3 Right of Entry.** Whenever it is necessary to make an inspection to enforce the
89 provisions of this code, or whenever the code official has reasonable or probable cause to

90 believe that a violation exists in a structure or upon a premises, the code official is
91 authorized to enter the structure or premises at reasonable times to inspect or perform the
92 duties authorized by this code or City Code. An owner or other authorized individual may
93 refuse to consent to an inspection conducted by the code official. If consent is refused,
94 the code official may seek an administrative search warrant authorized by Article 18 of
95 the Texas Code of Criminal Procedure (*Search Warrant*) and City Code Section 2-10-1
96 (*Municipal Court Jurisdiction and Authority*). Nothing in this code limits the ability of
97 the code official to inspect as necessary or as authorized by other law.

98 **105.8 Commencement of Proceedings.** Whenever the code official finds that a structure
99 or premise is substandard or dangerous, the code official is authorized to begin
100 proceedings to cause the repair, rehabilitation, vacation, demolition, removal, boarding or
101 fencing or other means of closure of the building, structure, or premise.

102 **105.9 Corrective Action.** The code official is authorized to require the owner of the
103 property or other responsible person to take action to correct a violation of this code. If
104 the owner or other responsible person does not take corrective action within a specified
105 time period, the code official may serve notice to the person(s) to appear before the
106 Building and Standards Commission to show cause why the structure or premise should
107 not be ordered repaired, boarded, fenced, vacated, occupants relocated, or demolished.

108 **107.1 Appeal.** A person affected by a notice may appeal the violation findings contained
109 in the notice to the Building and Standards Commission.

110 **107.2 Deadline to Appeal.** An appeal must be submitted to the code official within 20
111 days from the date the notice is mailed by the City. It is presumed the City mailed the
112 notice on the date printed on the notice.

113 **107.3 Requirements.** An appeal must be in writing and must contain a brief statement
114 identifying the notice or action being appealed, setting forth any facts supporting the
115 appeal, describing the relief sought, and presenting the reasons why the appealed notice or
116 action should be reversed, modified or otherwise set aside. A request for additional time to
117 comply with the notice due to financial inability or other extenuating circumstance is not a
118 proper basis for appeal.

119 **107.4 Effect of an appeal.** Unless otherwise provided in this code or, in the opinion of the
120 code official, a delay would present an immediate danger or unreasonable risk to any
121 person or property, filing an appeal stays further City action under the notice being
122 appealed.

123 **109.1 Unlawful acts.** A person that fails to comply with this code, a notice of violation or
124 stop work order issued under this code, or a Commission order issued under this code
125 commits an offense.

126 **109.2 Prosecution of a Violation.** A violation of this code is a misdemeanor punishable
127 as set forth in City Code Section 25-1-462 (*Criminal Enforcement*). The filing of a
128 criminal action does not preclude the pursuit of a civil, quasi-judicial, or administrative
129 action for violation of this code.

130 **109.3 Abatement of violation.** The code official may enforce the provisions of this code
131 by pursuing all civil, quasi-judicial, administrative, and criminal actions; all remedies
132 available to a city under state law; or by any combination of remedies available at law or
133 equity. In any court action, the code official may pursue the collection of attorney's fees
134 and costs; and maximum interest on liens and judgments as allowed by law. The filing of
135 a civil action does not preclude the pursuit of any other action or remedy, whether quasi-
136 judicial, administrative, or criminal. All remedies authorized under this code are
137 cumulative of all others unless otherwise expressly provided.

138 **110.1 Authority.** The code official is authorized to issue a notice that requires an owner
139 or the owner's agent to stop work that is being performed in a dangerous or unsafe
140 manner.

141 **111.1 General.** When the code official finds a structure, premise, or equipment is unsafe,
142 is unfit for human occupancy, or is unlawful, such structure, premise, or equipment must
143 be subject to the provisions of this code.

144 **111.1.3 Structure Unsafe for Human Occupancy.** A structure is unfit for human
145 occupancy whenever the code official finds that such structure is unsafe, unlawful
146 or, because of the degree to which the structure is in disrepair or lacks
147 maintenance, is insanitary, vermin or rat infested, contains filth and contamination,
148 or lacks ventilation, illumination, sanitary or heating facilities or other essential
149 equipment required by this code, or because the location of the structure constitutes
150 a hazard to the occupants of the structure or to the public. If the code official finds
151 a structure unsafe, the owner of the property shall provide an action plan for repairs
152 to the code official.

153 **111.2 Closing of vacant structures.** If a structure is determined to be unsafe, dangerous
154 or unfit for human habitation, the code official is authorized to post an unsafe or
155 dangerous placard on the premises. Pursuant to a Commission order, the structure to be
156 secured so as not to be an attractive nuisance through any available public agency or by
157 contract or arrangement by private persons and the cost thereof shall be charged against
158 the real estate upon which the structure is located and shall be a lien upon such real estate
159 and shall be collected by any other legal resource.

160 **111.2.1 Utility Termination Authorized.** The code official may request utility
161 termination for a structure or premise as provided for under the applicable
162 provisions of state law and City Code. Provisions of state law and City Code

163 regarding notice and appeal of utility termination apply to a utility terminated
164 under this section.

165 **111.4 Notice to person responsible.** Whenever the code official determines that a
166 violation of this code exists or has grounds to believe that a violation exists, notice will
167 be issued and served as set forth in applicable state law, City Code, and this code. Failure
168 of the code official to serve any person required to be served does not invalidate any
169 proceedings as to any other person properly served or relieve that person from any duty
170 or obligation imposed by this code.

171 **111.4.1 Form.** A written notice directed to the owner of record and, if applicable,
172 occupant of the structure or premise notice must:

- 173 1. identify the structure or premise by street address, or provide a description
174 sufficient for identification of the structure or premise;
- 175 2. state that the code official has found the structure or premise to be substandard or
176 dangerous, with a summary description of the applicable provisions of this code
177 and the alleged violations;
- 178 3. specify the corrective measures required to bring the structure or premise into
179 compliance with applicable provisions of this code;
- 180 4. provide a time period for compliance;
- 181 5. include a description of the applicable appeal procedures; and
- 182 6. include a provision in Spanish stating that a Spanish translation will be provided on
183 request if the recipient is not able to read the notice in English.

184 **111.4.2 Method of Service.** Required notices must be served via any method or
185 combination of methods permitted in state law, City Code, and this code.

186 **111.4.3 Property Manager.** The code official may also provide a copy of any notice
187 sent to a property owner to the manager of the property. On receipt of a copy of the
188 notice under this section, a property manager must notify the owner of the specifics of
189 the notice within 10 days and must make every reasonable effort to have the owner
190 correct the violation.

191 **111.6 Responsibility of Owner.** An owner of a structure or premise who has been
192 served with a notice, order, or other notification under this code may not sell, transfer,
193 grant, mortgage, lease, or otherwise dispose of the structure or premise until the owner
194 has:

- 195 1. furnished to the purchaser, transferee, grantee, mortgagee, or lessee a true
196 copy of the notice, order or other notification; and
- 197 2. provided written notice to the code official of the owner’s intent to enter into
198 a transaction affecting the structure or premise, including the name and
199 address of the proposed buyer, transferee, grantee, mortgagee, or lessee.

200 **111.6.1. Responsibility of Purchaser.** A purchaser of a premise subject to a
201 notice, order, or other notification issued under this code and recorded in the real
202 property records of the county where the premise is located must comply with the
203 terms of the notice, order, or other notification.

204 **111.6.2 Effect of Transfer.** A transfer of the property does not impact the validity
205 of the notice, order, or other notification.

206 **111.7 Placarding.** A structure or premise vacated under this code will be placarded at
207 each entrance and exit of the structure or premise. The placard must be in substantially
208 the following form:

209 DO NOT ENTER
210 UNSAFE TO OCCUPY
211 IT IS UNLAWFUL TO REMOVE OR DAMAGE THIS NOTICE.
212 CODE OFFICIAL
213 CITY OF AUSTIN

214 **111.7.1 Placard Removal.** Until the required repair, abatement, demolition, or
215 removal is complete, a person may not remove or damage the placard after it is
216 posted by the code official. A required repair, abatement, demolition, or removal is
217 complete when the code official releases the notice or order, or when the building
218 official issues a certificate of occupancy for the structure.

219 **111.8 Prohibited Occupancy.** A person may not remain in or enter any building,
220 structure, or premise that is subject to an order to vacate or is posted with a placard. A
221 person may not induce, allow, or authorize another person to occupy a structure or
222 premise that is subject to an order to vacate or that is posted with a placard.

223 **111.8.1 Affirmative Defense.** It is an affirmative defense to prosecution under this
224 section if a person enters a structure or premise described above to repair, abate,
225 demolish, or remove the structure or condition under an applicable permit.

226 **111.9 Duty to comply.** A person has a duty to comply with the provisions, requirements,
227 and prohibitions in this code even if the code official has not served the person with
228 separate notice personally informing the person of the duty to comply with this code.

229 **112.1 Imminent danger.** When, in the opinion of the code official, a condition exists that
230 could cause serious or life-threatening injury or death in the near future, the code official is
231 authorized to recommend the occupants to vacate the premises. A condition means a
232 structure or part of a structure that has fallen or may fall; a structure or part of a structure
233 that has collapsed or may collapse; the presence of explosives, explosive fumes or vapors,
234 toxic fumes, gases, materials; or the presence of dangerous or defective equipment. If a
235 premise is vacated due to an imminent danger, a notice reading as follows: "This
236 Structure/Premise Is Unsafe To Occupy" must be posted at each entrance to such structure
237 or premise.

238 **112.2 Temporary Safeguards.** The code official may secure a structure before a public
239 hearing is held by the Commission if the code official determines that the structure
240 violates this code; and is unoccupied or is occupied only by persons who do not have a
241 lawful right of possession to the structure.

242 **112.2.1. Notice.**

243 1. Before the 11th day after the date the structure is secured, the code official must
244 give notice of the closure:

245 a. by personal service to the owner; or

246 b. by regular mail and certified mail, return receipt requested, to the owner at
247 the owner's last known address; or

248 c. if personal service cannot be obtained and the owner's post office address
249 is unknown, by

250 i. publication at least twice within a 10 day period in a newspaper of
251 general circulation in the county in which the structure is located, or

252 ii. posting the notice on or near the front door of the structure.

253 2. The notice must contain the following:

254 a. an identification, which is not required to be a legal description, of the
255 structure and the premise on which it is located;

256 b. a description of the violations of this code or the City Code that are found
257 at the structure;

- 258 c. a statement that the code official has secured the structure or premise;
259 and
- 260 d. an explanation of the owner's right to request a hearing about any matter
261 relating to the securing of the structure by the code official.

262 **112.2.2. Appeal of Emergency Closure.** The owner of a structure may appeal an
263 emergency closure to the Commission. An appeal must be in writing and must be
264 provided to the code official within 30 days after the date the code official secured
265 the structure. Unless the appellant, in writing, requests or agrees to postpone the
266 hearing on the appeal to a later date, a hearing on the appeal must be heard at the
267 next available agenda date at which a quorum of the Commission is present.

268 **112.2.3 Costs.** The City may assess costs incurred for emergency closures under
269 this code against the owner of the affected premise and, unless exempted under the
270 Texas Constitution, may secure those costs with a lien against the affected premise.

271 **113.1 General.**

272 **113.1.1** An owner must provide an action plan to the code official if the code
273 official finds that:

- 274 1. the structure, equipment, or property condition so deteriorated, dilapidated,
275 or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for
276 human habitation or occupancy; and
- 277 2. it is reasonable to repair the structure or the equipment.

278 **113.1.2** An owner must demolish and remove a structure, equipment, or property
279 condition if the code official finds:

- 280 1. the structure, equipment, or property condition so deteriorated, dilapidated, or
281 out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for
282 human habitation or occupancy; and
- 283 2. it is unreasonable to repair the structure, equipment, or property condition.

284 **113.4 Salvage materials.** If the City demolishes and removes a structure, then the City, or
285 its agent, may sell the salvage and valuable materials at the highest price obtainable.

286 **201.3 Terms defined in other codes.** If a term is not defined in this code but is otherwise
287 defined in Title 25 (*Land Development Code*), the term has the meaning given in Title 25
288 (*Land Development Code*).

289 **202.1 Supplemental and replacement definitions.** The definitions in this subsection
290 apply throughout this code and supplement the definitions in Section 202 (*General*
291 *Definitions*) of the 2021 Property Maintenance Code, as published, unless the term is
292 defined in both places, in which case the definition in this subsection replaces and
293 supersedes the definition in Section 202 of the 2021 Property Maintenance Code.

294 **ACTION PLAN.** A written plan that identifies the repairs that are needed, the
295 timeline needed for repairs, alternative methods of compliance, and the projected
296 finish date of the repair.

297 **ACTIVITY.** Constructing, enlarging, altering, repairing, moving, demolishing,
298 erecting, installing, removing, converting, or replacing a structure, component of a
299 structure, or any electrical, gas, mechanical, or plumbing system.

300 **ADULT.** A person 18 years of age or older.

301 **BED AND BREAKFAST.** The use of an owner-occupied single-family
302 residential structure to provide limited meal service and rooms for temporary
303 lodging for overnight guests in return for compensation.

304 **BOARDING HOUSE.** A structure, other than a hotel, where lodging and meals
305 are provided for more than six unrelated persons in return for compensation.
306 When used in this code, the term Boarding House includes a transient boarding
307 house.

308 **COMMISSION.** The Building and Standards Commission described in Section 2-
309 1-122 (*Building and Standards Commission*) of the City Code.

310 **COMMISSION ORDER.** An order issued by the Commission.

311 **COMPENSATION.** Any money, thing of value, payment, consideration, reward,
312 tip, donation, gratuity, or profit paid to, accepted, or received by the owner or
313 operator of a lodging establishment; whether paid upon solicitation, demand or
314 contract, or voluntarily, or intended as a gratuity or donation.

315 **DANGEROUS.** A condition that violates this code that could cause serious or
316 life-threatening injury or death.

317 **HOTEL.** A structure or a part of a structure, in which there are guest rooms,
318 rooming units, or apartments which may be rented on a daily basis and are used
319 primarily for transient occupancy, and for which desk service is provided. In
320 addition, one or more of the following services may be provided: maid, telephone,
321 bellboy, or furnishing of linen. When used in this code, the term hotel includes a
322 motel.

323 **JUDICIAL ORDER.** An order issued by a court of competent jurisdiction.

324 **ORDER.** A commission order or a judicial order.

325 **PERSONALTY.** Personal property that is not attached to real property.

326 **PREMISE.** A lot, plot or parcel of land, property, or easement. The term includes
327 the structures located on the lot, plot or parcel of land, or easement.

328 **ROOMING HOUSE.** A structure, other than a hotel, where lodging for more
329 than six unrelated persons is provided without meals in return for compensation.

330 **SHORT-TERM RENTAL.** The use of a residential dwelling unit or accessory
331 building, other than a unit or building associated with a group residential use, on a
332 temporary or transient basis in accordance with Chapter 25-2, Subchapter C,
333 Article 4, Division 1, Subpart C (*Requirements for Short-Term Rental Uses*). The
334 use does not include an extension for less than 30 consecutive days of a previously
335 existing rental agreement of 30 consecutive days or more. The use does not include
336 a rental between parties to the sale of that residential dwelling unit.

337 **SUBSTANDARD.** A structure or premise that does not comply with this code.

338 **202.2 Nuisance.** Each of the following is declared to be a nuisance for purposes of this
339 code:

- 340 1. Any public nuisance known at common law or in equity jurisprudence.
- 341 2. Any attractive nuisance which may prove detrimental to children whether in
342 a building, on the premises of a building, or on an unoccupied lot. This
343 includes any abandoned wells, shafts, basements, or excavations; abandoned
344 refrigerators and motor vehicles; or any structurally unsound fences or
345 structures; or any lumber, trash, fences, debris or vegetation which may
346 prove a hazard for inquisitive minors.
- 347 3. Whatever is dangerous to human health or is detrimental to health, as
348 determined by the health officer.
- 349 4. Unsanitary conditions described in City Code Section 10-5-21 (*Duty to*
350 *Maintain Property in a Sanitary Condition*).
- 351 5. A utility room not maintained free of flammable liquids, oil and grease, and
352 other similar materials.

- 353 6. Yards, courts, and vacant lots not maintained clean and free of holes,
354 excavations, dead trees and tree limbs, sharp protrusions, and other objects,
355 conditions and hazards that are reasonably capable of causing injury to a
356 person.
- 357 7. A manufactured residential building, mobile home, or tourist court not
358 maintained in accordance with the provisions of this code, the manufacturer
359 specifications under which the structure was constructed, or Title 25 (*Land*
360 *Development Code*) of the City Code.

361 **301.4 General requirement to obtain a permit.** After receiving written notice from the
362 code official that an activity was conducted on the premises without the appropriate
363 permit, an owner must obtain a permit for the activity that was conducted without the
364 appropriate permit.

365 **302.3 Common areas.** All common areas of a property including, but not limited to
366 sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be
367 maintained and kept in a proper state of repair to prevent hazardous conditions.

368 **302.6 Exhaust vents.** Pipes, ducts, conductors, fans, dryer vents, and blowers shall not
369 discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate
370 wastes directly on abutting or adjacent property.

371 **302.6.1 Exhaust vents maintained.** Pipes, ducts, conductors, fans, dryer vents, and
372 blowers shall be maintained in good repair and be free from obstructions or debris.

373 **304.3 Address Identification.** A premise must be identified with address numbers that are
374 legible and visible from the street or road. The address numbers must comply with the Fire
375 Code and Fire Criteria Manual.

376 **304.5 Foundation walls.** Foundation walls and foundation skirting shall be maintained
377 plumb and free from open cracks and breaks; and shall be kept in such condition so as to
378 prevent the entry of rodents and other pests.

379 **304.7 Roofs and drainage.** All roof components shall be maintained in good repair and
380 shall be sound, tight, and without defects that admit rain. Roof drainage shall be adequate
381 to prevent dampness or deterioration in the walls or interior portion of the structure. Roof
382 drains, gutters, and downspouts shall be maintained in good repair and free from
383 obstructions. Roof water shall not discharge in a manner that creates a nuisance.

384 **304.19 Gates.** All exterior gates, components of a gate, operator systems, if provided, and
385 hardware must be maintained in good condition.

386 **305.1.1 Unsafe conditions.** The following conditions violate this code and are declared
387 unsafe:

- 388 1. A structure or a component of a structure cannot perform as intended;
- 389 2. A wall or column is not anchored to support a floor or roof;
- 390 3. Structural members, including stairs, landings, decks, balconies, walking
391 surfaces, handrails, and guardrails, cannot perform as intended;
- 392 4. Structural members, including stairs, landings, decks, balconies, walking
393 surfaces, handrails, and guardrails, are not anchored to support use of the
394 structural member; or
- 395 5. Any portion of the foundation system is not supported by footings, is not
396 supported by adequate soil, has cracks or breaks, or is not adequately anchored.

397 **Exception:** If a person, using an approved method, establishes that the
398 condition is safe, then the condition does not violate this code.

399 **307.1 General.** Handrails and guards shall be maintained in good repair and in
400 accordance with the Building Code in effect at the time of construction.

401 **307.2 Handrails and guards required.** Every exterior and interior flight of stairs having
402 more than four rises shall have a handrail on one side of the stair. Every open portion of a
403 stair, landing, balcony, porch, deck, ramp, or other walking surface that is more than 30
404 inches above the floor or grade below shall have guards. Handrails shall not be less than
405 30 inches in height or more than 42 inches in height measured vertically above the nosing
406 of the tread or above the finished floor of the landing or walking surfaces. Guards, if
407 required at the time of construction, shall be not less than 30 inches in height above the
408 floor of the landing, balcony, porch, deck, ramp, or other walking surface.

409 **307.3 Openings.** Any openings in guards must be spaced in accordance with the Building
410 Code in effect at the time of construction. If guards were not required at the time of
411 construction, the openings must be spaced in a manner to prevent a four inch or larger
412 sphere from passing between the openings.

413 **309.1 Infestation.** Structures and exterior property areas shall be kept free from insect
414 and rodent infestation. Where insects and rodents are found, they shall be immediately
415 exterminated by approved processes that will not be injurious to human health. After pest
416 elimination, proper precautions shall be taken to eliminate insect and rodent harborage
417 and prevent re-infestation.

418 **309.1.1 Exception.** The keeping, maintenance or management of common
419 domestic honey bee colonies, *Apis mellifera* species, must be in accordance with
420 City Code Chapter 3-6 (*Beekeeping*).

421 **401.3 Alternative devices.** Artificial light or mechanical ventilation that complies with
422 the applicable Building Code or Residential Code requirements is authorized as an
423 alternative to the requirements for natural light and ventilation prescribed in Sections 402
424 and 403.

425 **404.4.1 Room area.** Except for qualifying efficiency units, a bedroom must contain at
426 least 70 square feet; and a bedroom occupied by more than two adults must contain at
427 least 120 square feet plus an additional 50 square feet for each adult in excess of three.

428 **404.5 Unsafe occupancy.** The number of persons occupying a dwelling unit must not
429 create conditions that, in the opinion of the code official, endanger the life, health, safety,
430 or welfare of the occupants.

431 **501.3 General requirement to obtain a permit.** After receiving written notice that an
432 activity was conducted on the premises without the appropriate permit, an owner must
433 obtain a permit for the activity that was conducted without the appropriate permit.

434 **504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure
435 constitutes a hazard to the occupants or the structure by reason of inadequate service,
436 inadequate venting, cross connection, back siphonage, improper installation,
437 deterioration, or damage or for similar reasons, the code official shall require the defects
438 to be corrected to eliminate the hazard.

439 **505.1 General requirements for water systems.** A sink, lavatory, bathtub or shower,
440 drinking fountain, water closet or other plumbing fixture must be properly connected to
441 either a public water system or to an approved private water system. A kitchen sink,
442 lavatory, laundry facility, bathtub and shower must be supplied with hot or tempered and
443 cold running water in accordance with the Plumbing Code.

444 **505.4 Water heating facilities.** A water heating facility must be properly installed,
445 maintained and capable of providing an adequate amount of water to be drawn at each
446 sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than
447 110°F (43°C).

448 **505.4.1 Compliance.** A water heating facility in a structure with one or more
449 dwelling units complies with the requirement in 505.4 if the temperature of the
450 water drawn at the kitchen sink reaches 110°F (43°C) within three minutes.

451 **505.4.2 Valves.** A relief valve discharge pipe and approved combination
452 temperature and pressure-relief valve must be properly installed and maintained on
453 water heaters.

454 **505.4.3 Gas-burning water heater.** Unless installed in a sealed enclosure with
455 adequate air combustion that does not take air from the living space, a gas-burning
456 water heater must not be located in a bathroom, toilet room, bedroom or other
457 occupied room that is normally kept closed when in use. Direct vent water heaters
458 are not required to be installed within an enclosure.

459 **601.3 General requirement to obtain a permit.** After receiving written notice that an
460 activity was conducted on the premises without the appropriate permit, an owner must
461 obtain a permit for the activity that was conducted without the appropriate permit.

462 **602.2 Residential Occupancies.** Heating facilities that are capable of maintaining a room
463 temperature of 68°F (20°C) in habitable spaces, bathrooms, and toilet rooms are required
464 in each dwelling unit. Cooking appliances and unvented fuel-burning space heaters
465 cannot be used to meet or maintain the room temperature required by this section. A
466 portable electric space heater may be used on a temporary basis if used consistent with
467 manufacturer's specifications.

468 **602.3 Heat Supply.** An occupied commercial structure that includes dwelling units or
469 sleeping units must maintain a temperature of at least 68°F (20°C) in all habitable areas,
470 bathrooms, and toilet rooms.

471 **602.4 Occupiable work spaces.** Except as otherwise provided, an occupied commercial
472 structure with indoor occupiable work spaces must maintain a temperature of not less
473 than 65°F (18°C) during the period the spaces are occupied.

474 **602.4.1 Processing, storage, and operation.** A commercial structure with areas
475 that require cooling or special temperature conditions are not required to maintain
476 the temperature in Section 602.4.

477 **602.4.2 Physical activities.** Areas within a commercial structure where persons are
478 primarily engaged in vigorous physical activities are not required to maintain the
479 temperature in 602.4.

480 **604.2 Service.** In accordance with NFPA 70, the size and usage of appliances and
481 equipment determines the need for additional electrical facilities. A dwelling unit must be
482 served by an electrical service with a rating of at least 60 amperes.

483 **604.3.1.1 Electrical equipment.** Electrical distribution equipment, motor circuits, power
484 equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit

485 interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires,
486 ballasts, motors and electronic control, signaling and communication equipment that are
487 exposed to water must be replaced in accordance with the provisions of the Electrical
488 Code.

489 **Exception:** The following equipment may be repaired when an inspection report
490 from the equipment manufacturer or approved manufacturer's representative
491 indicates that the equipment has not sustained damage that requires replacement:

- 492 1. Enclosed switches, rated 600 volts or less;
- 493 2. Busway, rated 600 volts or less;
- 494 3. Panelboards, rated 600 volts or less;
- 495 4. Switchboards, rated 600 volts or less;
- 496 5. Fire pump controllers, rated 600 volts or less;
- 497 6. Manual and magnetic motor controllers;
- 498 7. Motor control centers;
- 499 8. Alternating current high-voltage circuit breakers;
- 500 9. Low-voltage power circuit breakers;
- 501 10. Protective relays, meters and current transformers;
- 502 11. Low- and medium-voltage switchgear;
- 503 12. Liquid-filled transformers;
- 504 13. Cast-resin transformers;
- 505 14. Wire or cable that is suitable for wet locations and whose ends have not been
506 exposed to water;
- 507 15. Wire or cable, not containing fillers, that is suitable for wet locations and
508 whose ends have not been exposed to water;
- 509 16. Luminaires that are listed as submersible;
- 510 17. Motors;
- 511 18. Electronic control, signaling and communication equipment.

512 **604.3.2.1 Electrical equipment.** Electrical switches, receptacles and fixtures, including
513 furnace, water heating, security system and power distribution circuits that are exposed to
514 fire, must be replaced in accordance with the provisions of the Electrical Code.

515 **Exception:** Electrical switches, receptacles and fixtures may be repaired where an
516 inspection report from the equipment manufacturer or approved manufacturer's
517 representative indicates that the equipment has not sustained damage that requires
518 replacement.

519 **605.3 Luminaires.** Luminaires must be maintained in good condition and in accordance
520 with the applicable code(s) in effect at the time of construction.

521 **605.4 Wiring.** Except as otherwise provided, flexible cords, including extension cords,
522 must not be

- 523 1. used for permanent wiring;
- 524 2. used for running through doors, windows, or cabinets; or
- 525 3. concealed within walls, floors, or ceilings.

526 **Exception.** A flexible cord used as permanent wiring, for running through doors,
527 windows, or cabinets, or to be concealed within walls, floors, or ceilings complies
528 with this code if the flexible cord was manufactured for such use and was installed
529 as part of a project permitted by the City. For purposes of this exception, a project
530 permitted by the City means the project passed all required inspections, was
531 completed by a licensed electrician, and was installed consistent with the
532 manufacturer's specifications.

533 **702.1 General requirements for egress.** A safe, continuous and unobstructed path of
534 travel must be provided from any point in a structure to the public right-of-way. Means
535 of egress must comply with this code as well as applicable provisions of the Fire Code,
536 the Building Code, and the Residential Code.

537 **702.2 Aisles.** Aisles must be unobstructed to achieve the width required in the Fire Code,
538 the Building Code, and the Residential Code.

539 **702.3 Locked doors.** Except for door hardware that conforms to the applicable Building,
540 Fire, or Residential Code, doors used for egress must be readily openable from the side
541 used to exit a structure. Readily openable means a door that can be opened without the
542 need for keys, special knowledge, or effort.

543 **702.4 Emergency escape openings.** Required emergency escape openings shall be
544 maintained in accordance with the code in effect at the time of construction, and the
545 following:

- 546 1. Required emergency escape and rescue openings shall be operational from
547 the inside of the room without the use of keys or tools.
- 548 2. Bars, grilles, grates or similar devices are permitted to be placed over
549 emergency escape and rescue openings provided the minimum net clear
550 opening size complies with the code that was in effect at the time of
551 construction and such devices shall be releasable or removable from the
552 inside without the use of a key, tool or force greater than that which is
553 required for normal operation of the escape and rescue opening.

554 **702.5 Additional emergency escape and rescue opening requirements.** Unless the
555 sleeping room(s) meet a specific exception of the code under which the structure was
556 constructed, sleeping rooms in R-2 and R-3, one- and two-family and multiple-family
557 occupancy groups must have at least one emergency escape and rescue opening. An
558 existing escape or opening complies with this code if:

- 559 1. the existing emergency escape and rescue opening meets the minimum
560 height and width dimensions, openable area and the maximum sill height
561 requirement of the code(s) under which the structure was constructed; or
- 562 2. at the time of construction no code was in effect, an existing emergency
563 escape and rescue opening satisfies this code if it has:
- 564 a. a minimum net clear openable area of 5 square feet (0.465 m²),
565 b. a minimum net clear opening height of 22 inches (559 mm),
566 c. a minimum net clear opening width of 20 inches (457 mm), and
567 d. a sill height not greater than 48 inches (1219 mm) above the floor; or
- 568 3. it meets an alternative method of compliance described in Section 702.5.1.

569 **702.5.1 Alternate Method of Compliance for existing emergency escape and**
570 **rescue openings.** An alternate method of compliance for a sleeping room with an
571 emergency escape and rescue opening that does not meet the requirements
572 referenced in Section 702.5 is to install hard-wired, dual chamber smoke alarms
573 with battery backup capability that are served with primary power from the
574 structure wiring. The smoke alarms must be installed inside and outside of the

575 sleeping room and must be interconnected through either wired or wireless
576 interconnection.

577 **704.1 General requirements for fire protection systems.** All systems, devices and
578 equipment to detect a fire, actuate an alarm, or suppress or control a fire or any com-
579 bination must be maintained in an operable condition at all times in accordance with the
580 applicable requirements in Chapter 25-12 (*Technical Codes*).

581 **CHAPTER 9 QUASI-JUDICIAL ENFORCEMENT.**

582 **SECTION 901 BUILDING AND STANDARDS COMMISSION.**

583 **901.1 Purpose.** The Building and Standards Commission is established to hear cases
584 concerning alleged violations of City Code related to the condition of, and minimum
585 standards for, the maintenance of existing residential and nonresidential structures,
586 premises, property, and establishments; and to hear appeals when required by City Code
587 and this code. The Commission has the powers and duties under this code, Section §2-1-
588 122 (*Building and Standards Commission*), and applicable state law.

589 **901.2 Duties.** The Commission shall hear and decide cases concerning alleged violations
590 of this code and appeals as required by this code and City Code. The Commission shall
591 issue orders regarding the cases, as appropriate. The Commission shall hear evidence
592 from each party that attends a hearing. Each order that requires removing or relocating an
593 occupant or repairing, securing, or demolishing a structure must include a time period for
594 compliance.

595 **901.3 Powers.** The Commission may order or initiate any action, remedy, response,
596 security, or penalty within its authority under applicable state law, this code, or City
597 Code, including:

598

- 599 1. ordering a structure be repaired within a fixed period;
- 600 2. declaring a structure or premise to be substandard or dangerous in
601 accordance with the powers granted under state law, City Code, and this
602 code;
- 603 3. ordering, as necessary:
- 604 a. that a structure be vacated;
- 605 b. that occupants be relocated;
- 606 c. that persons or property be removed from private property;
- 607 d. entry on private property; or
- 608 e. that a substandard or dangerous condition or structure on private
609 property be removed or demolished.
- 610 4. issuing orders or directives to any peace officer of the state, including the
611 Austin Chief of Police, a sheriff, or constable, to enforce and carry out the
612 lawful orders or directives of the Commission;
- 613 5. determining the amount and duration of the civil penalty allowed under state
614 law;
- 615 6. hearing and deciding appeals which may be taken to the Commission; and
- 616 7. considering and recommending amendments to the City's housing and
617 building regulations or ordinances.

618 **901.4 Rules.** The Commission shall adopt rules for its own procedure. The rules shall
619 establish procedures to provide opportunity for presentation of evidence and testimony in
620 its hearings by persons who are alleged to have violated ordinances.

621 **901.5 Meetings.** Meetings of the Commission are held at the call of the Chairperson and
622 at other times as the Commission may determine. The Chairperson, or the Acting
623 Chairperson in the absence of the Chairperson, may administer oaths and compel the
624 attendance of witnesses. Six members constitute a quorum and the concurring vote of six
625 members is necessary to take any action. The Commission must render all decisions and
626 findings in writing in accordance with the applicable requirements of state law and City
627 Code.

628 **901.6 Records.** The Commission shall keep records of its minutes, hearings, decisions,
629 and other official actions. The Commission's minutes shall show the vote of each

630 Commission member on each question submitted to the Commission and the fact that a
631 member is absent or fails to vote. Commission records shall be filed in the office of the
632 code official.

633 **901.7 Notice.** Notice and any required recordation of all Commission hearings, orders,
634 or actions must be posted, filed, served, accomplished or disseminated in accordance with
635 the applicable provisions of state law and City Code.

636 **901.8 Orders.** A Commission order is final unless appealed in accordance with Chapters
637 54 and 214 of the Texas Local Government Code. Except for appeals related to
638 temporary safeguards, a Commission order does not include appeals.

639 **901.9 Civil Penalty.** The Commission is authorized to determine the amount and
640 duration of the civil penalty allowed under state law. The filing of a criminal action or a
641 conviction under 902.1 does not preclude assessment or enforcement of the civil penalty.

642 **901.10 Satisfaction of Civil Penalty.**

643 **901.10.1 Applicability.** This section applies to a civil penalty assessed under
644 Section 901.9 of this code for violations relating to:

- 645 1. a structure that is designated as an historic landmark or located in a
646 designated historic district; or
647 2. a residential structure with three or fewer dwelling units.

648 **901.10.2 Offset Provision.** The code official must accept as full payment of the
649 civil penalty an amount equal to the assessed penalty minus the cost to complete
650 repairs or other corrective action required by the Commission order establishing
651 the penalty if:

- 652 1. all repairs or other corrective action required by the Commission order
653 establishing the penalty have been completed;
654 2. the code official has determined that all repairs or other corrective
655 action comply with City regulations; and
656 3. the City has not initiated a lawsuit based on the Commission order
657 assessing the penalty.

658 **901.10.3 Evidence.** A person that seeks an offset must provide evidence to the
659 code official of the cost of repairs or other corrective action required by a
660 Commission order.

661 **901.10.4 Determination.** The code official must determine whether the
662 evidence, as that term is used in 901.10.3, is associated with a repair or other
663 corrective action ordered by the Commission. The determination by the code
664 official may not be appealed.

665 **901.11 Validity of Order Not Affected by Transfer.** When a Commission order has
666 been filed in the deed records, the Commission order is valid even if the property is sold
667 or otherwise transferred. A person who acquires an interest in property after a
668 Commission order is recorded is subject to the requirements of the Commission order.
669 Each Commission order must include the text of this provision.

670 **SECTION 902 FAILURE TO COMPLY WITH A COMMISSION ORDER.**

671 **902.1 Criminal Offense and Penalty.** A person commits an offense if the person fails to
672 comply with a final order issued by the Commission. Each day that a person fails to
673 comply with a final order is a separate occurrence. An offense under this section is a
674 class C misdemeanor. The maximum penalty must be \$500 per offense, per occurrence.
675 Proof of a culpable mental state is not required for conviction of an offense under this
676 section.

677 **SECTION 903 PERFORMANCE OF WORK REQUIRED FOR COMPLIANCE** 678 **WITH A COMMISSION ORDER.**

679 **903.1 Demolition and Remediation authorized.** In addition to any other remedy
680 provided in this section, and on the failure of the owner to comply with any predicate or
681 requirement of a Commission order, the code official may perform, procure, or contract
682 for any work, services, materials, accommodations, or action required of the property
683 owner by the Commission order. This includes engineering surveys or inspections, cost
684 estimates, construction scheduling, asbestos testing, design services, plan preparation,
685 permitting, fencing, stabilization, grading, filing, draining, the closure of a building, the
686 vacation and relocation of occupants, the removal of personalty or disposal of debris, and
687 the treatment or cleaning of the premises and the lot.

688 **903.2 Personalty on the Premises.** A property owner is responsible for removing
689 personalty from a structure that must be vacated or demolished. If the City or its agent
690 demolishes the structure, the personalty remaining on the property is considered
691 abandoned and may be removed by the City or its agent in the same manner as other
692 rubbish or debris.

693 **CHAPTER 10 LANDLORD/TENANT RELATIONSHIPS.**

694 **1001 Responsibility of Landlord.** The owner of a building, structure, or property
695 remains responsible for compliance with this Code notwithstanding any rental or other

696 agreement purporting to give tenants or other third parties certain duties or
697 responsibilities with respect to the building, structure, or property.

698 **1002 Retaliation.**

699 **1002.1 Prohibited.** A property owner, owner's agent, management company, or other
700 person responsible for managing a property commits an offense if the property owner,
701 owner's agent, management company, or other person responsible for managing a
702 property raises a tenant's rent, diminishes services to the tenant, or attempts eviction for
703 reasons other than nonpayment of rent or other good cause for six months after a
704 complaint is filed by the tenant with the code official complaining of violations of this
705 code or for six months after completion of repairs required by a notice or order issued
706 under this code, whichever time period is longer.

707 **1002.2 Penalty.** Unless a culpable mental state is established, a violation of Section 1002
708 (*Retaliation*) is an offense, punishable by a fine not to exceed \$500 per occurrence. If
709 proof of a culpable mental state is established, a violation of Section 1002 (*Retaliation*) is
710 punishable by a fine not to exceed \$2,000 per occurrence.

711 **1002.3 Affirmative Defense.** It is an affirmative defense to prosecution under Section
712 1002 (*Retaliation*) if the action was:

- 713 1. an increase in rent under an escalation clause for utilities, taxes, or insurance
714 in a written rental agreement;
- 715 2. an increase in rent or reduction in services against the complaining tenant
716 which are a part of a pattern of rental increases or service reductions
717 uniformly applied for an entire multifamily dwelling project of four or more
718 units; or
- 719 3. an increase in rent that is reasonably related to repairs or improvements
720 actually made by the landlord after a complaint has been filed and which do
721 not cause the total rent to exceed fair market value of the premises.
722 However, no rental increase may be made until the structure is in full
723 compliance with any notice or order issued under this code.

724

725 **CHAPTER 11 INTERFERENCE WITH REPAIR OR DEMOLITION WORK**
726 **PROHIBITED.**

727 **1101 GENERAL.** No person must obstruct, impede, or interfere with work performed by
728 any of the following individuals for purposes of boarding, securing, repairing, vacating or
729 demolishing a building, structure, or property under the provisions of this code, or in
730 performing a necessary act preliminary or incidental to work authorized under this code:

- 731 1. a peace officer;
- 732 2. a City employee;
- 733 3. a City contractor;
- 734 4. an authorized representative of the City;
- 735 5. a person who owns or holds an estate or interest in a building, structure, or
736 property; or
- 737 6. a person to whom such a structure has been lawfully sold under this code.

738 **CHAPTER 12 [Reserved for Expansion].**

739 **CHAPTER 13 REGULATED LODGING ESTABLISHMENTS.**

740 **1301 Inspections.** The code official must make inspections to determine the condition of
741 short-term rentals, boarding houses, hotels, rooming houses and bed and breakfast
742 establishments located within the City, to ensure compliance with this chapter and other
743 applicable laws. For the purpose of making inspections, the code official or the code
744 official's representative may enter, examine, and survey, at all reasonable times, all
745 buildings, dwelling units, guest rooms, and premises on presentation of the proper
746 credentials. An owner or other authorized individual may refuse to consent to an
747 inspection conducted by the code official. If consent is refused, the code official may
748 seek an administrative search warrant authorized by Article 18 of the Texas Code of
749 Criminal Procedure (*Search Warrant*) and City Code Section 2-10-1 (*Municipal Court*
750 *Jurisdiction and Authority*). Nothing in this code limits the ability of the code official to
751 inspect as necessary or as authorized by other law.

752 **1302 Licenses and permits required.** No person may operate a boarding house, hotel,
753 rooming house, short-term rental, or bed and breakfast establishment unless a license for
754 the operation, in the name of the owner or operator and for the specific dwelling unit,
755 partial unit, accessory unit, building, structure, or property used, has been issued by the
756 code official and is currently valid and in good standing. Unless specifically exempted
757 by the provisions of Chapter 10-3 (*Food and Food Handlers*), each regulated lodging

758 establishment that provides meals or food service is required to have a permit as a food
759 service establishment issued by the Health Authority.

760 **1303 Leasing, renting, or advertising units or rooms in an unlicensed hotel,**
761 **boarding house, rooming house, short term rental, or bed and breakfast**
762 **establishment is an offense.**

763 (A) An owner, manager, operator, or person in control of a hotel, boarding house,
764 rooming house, short-term rental, or bed and breakfast establishment commits an
765 offense if the owner or other person leases, rents, advertises, promotes, or
766 otherwise solicits or induces occupancy of a room, structure, dwelling unit, or
767 partial unit in a hotel, boarding house, rooming house, short-term rental, or bed and
768 breakfast establishment which does not have a valid license issued and displayed
769 as required by this chapter or as required by Title 25 (*Land Development*).

770 (B) A person may not advertise or promote a licensed establishment without including
771 the license number assigned to the establishment by the city in the advertisement or
772 promotion.

773 (C) Each day that an owner, manager, operator, or other person in control of the
774 property leases, rents, advertises, promotes, or otherwise solicits or induces
775 occupancy of a room in a hotel, boarding house, rooming house, short-term rental,
776 or bed and breakfast establishment which does not have a valid license issued,
777 disclosed, and displayed as required by this chapter is a separate occurrence. An
778 offense under this section is a class C misdemeanor, punishable by a fine not to
779 exceed \$500 per offense, per occurrence, unless proof of a culpable mental state is
780 proven. If proof of a culpable mental state is demonstrated, an offense under this
781 section is punishable by a fine not to exceed \$2,000 per occurrence.

782 (D) It is an affirmative defense to a violation of Section 1303 if the advertisement or
783 promotion conspicuously disclosed that reservation, occupancy, or rental of the
784 facility is contingent on a pending city licensure application.

785 **1304 Application.** An application for a license required by this chapter must be in
786 writing and submitted to the code official. To be considered complete, the application
787 must include all information and documentation required by the Land Development Code
788 regulations specific to the use type or indicated as required by the code official and this
789 code.

790 **1305 Fee.** Each application for a rooming house, hotel, motel, boarding house, short-
791 term rental, or bed and breakfast establishment license must be accompanied by the

792 payment of a fee in an amount established by separate ordinance. Except for payment of
793 the fee due for a short-term rental, a regulated lodging establishment fee must be pro-
794 rated on a quarterly basis.

795 **1306 Issuance.** A boarding house, hotel, rooming house, short-term rental, or bed and
796 breakfast establishment license must be issued by the code official after the code official
797 determines that the owner or operator has complied with all applicable ordinances and
798 rules. A license must not be issued or renewed by the code official for any applicant or
799 location in the absence of proof of the applicant or location's substantial compliance with
800 all applicable local hotel occupancy tax rules and regulations.

801 **1307 License suspension.**

802 (A) Except as provided in subsections (D) and (E), whenever the code official finds on
803 inspection of the physical premises or review of applicable records of any boarding
804 house, hotel, rooming house, short-term rental, or bed and breakfast establishment
805 that conditions or practices exist that violate any provision of the Property
806 Maintenance Code, City Code, or any rule or regulation adopted under this code,
807 or that the establishment has failed to comply with any provision, prohibition, or
808 requirement related to the registration, reporting, collection, segregation,
809 accounting, disclosure, or payment of local hotel occupancy taxes, the code official
810 must give written notice to the owner of the property and the operator of the
811 boarding house, hotel, rooming house, short-term rental, or bed and breakfast
812 establishment that unless the violations are corrected by an identified deadline, the
813 license must be suspended.

814 (B) At the end of the time provided for correction of the violation(s), the code official
815 must re-inspect the location or records of the boarding house, hotel, rooming
816 house, short-term rental, or bed and breakfast establishment and, if the conditions
817 or practices have not been corrected, must suspend the license and give written
818 notice to the licensee that the license has been suspended.

819 (C) On receipt of notice of suspension, the licensee must immediately stop operation of
820 the boarding house, hotel, rooming house, short-term rental, or bed and breakfast
821 establishment, and no person may occupy for sleeping or living purposes any
822 rooming unit therein, except that the code official may allow continued occupancy
823 by the property owner of a short-term rental use subject to Section 25-2-788
824 (*Short-Term Rental (Type 1) Regulations*). The notice required by this subsection
825 must be served in accordance with the notice provisions of applicable law.

826 (D) The code official may immediately suspend a license if the code official
827 determines that the license was issued in error. A suspension is effective until the

828 code official determines that the licensee has complied with the requirements of
829 the City Code or any rule or regulation adopted under this code. The code official
830 must give written notice to the owner of the property and the operator of the
831 establishment that the license is suspended.

832 (E) If a short-term rental is the subject of two or more substantiated violations of
833 applicable law during the license period, the code official may suspend the short-
834 term rental license. The code official must give notice to the licensee of a notice of
835 intent to suspend a license issued under this subsection.

836 (F) In determining whether to suspend a license as described in subsection (E), the
837 code official must consider the frequency of the substantiated violations, whether a
838 violation was committed intentionally or knowingly, and any other information
839 that demonstrates the degree to which a licensee has endangered public health,
840 safety, or welfare.

841 **1308 Appeals.**

842 (A) The following actions of the code official may be appealed to the Building and
843 Standards Commission as provided in this Code: the denial of an application for a
844 license to operate a boarding house, hotel, rooming house, short-term rental, or bed
845 and breakfast establishment; the suspension of a license to operate a boarding
846 house, hotel, rooming house, short-term rental, or bed and breakfast establishment;
847 and the issuance of a notice that a license to operate a boarding house, hotel,
848 rooming house, short-term rental, or bed and breakfast establishment will be
849 suspended unless existing conditions or practices are corrected.

850 (B) An appeal filed under this section must be filed with the code official no later than
851 the 20th day following the date on which the license was denied or suspended, or
852 notice of violation was received. The appeal must identify each alleged point of
853 error, facts and evidence supporting the appeal, reasons why the action of the code
854 official should be set aside, modified, or reversed, and must be sworn. The appeal
855 must be set for hearing before the Commission on the next available agenda date
856 following receipt of the appeal and must be heard following setting on the
857 scheduled agenda if a quorum is present at the hearing, unless the appellant
858 requests a later date and waives the scheduled hearing.

859 (C) An appeal of under this section does not stay enforcement of license requirements.

860 **1309 Expiration.**

861 (A) Each rooming house, boarding house, hotel, motel, or bed and breakfast
862 establishment license expires at the end of the calendar year for which the license
863 is issued, unless prior to the end of the calendar year, the license is voided,
864 suspended, or revoked as provided in this chapter, as provided in another section of
865 City Code, or by court order, or other operation of law.

866 (B) Each short-term rental establishment license expires one year from the date the
867 license is issued, unless prior to the end of one year from the date the license is
868 issued, the license is voided, suspended, or revoked as provided in this chapter, as
869 provided in another section of City Code, or by court order, or other operation of
870 law.

871 **1310 Transfer and notice on sale of premises.** A license issued under this chapter is
872 not transferable. Every person holding a license must give written notice to the code
873 official no later than 10 days before the conveyance, transfer, or any other disposition of
874 the ownership of, interest in, or control of any boarding house, hotel, rooming house,
875 short-term rental, or bed and breakfast establishment. The notice must include the name
876 and address of the person succeeding to the ownership or control of the boarding house,
877 hotel, rooming house, short-term rental, or bed and breakfast establishment.

878 **1311 Display.** The license required by this chapter must be displayed at all times in a
879 conspicuous place designated by the code official within each boarding house, hotel,
880 rooming house, short-term rental, or bed and breakfast establishment.

881 **PART 2.** This ordinance takes effect on September 1, 2021.

882 **PASSED AND APPROVED**

883
884 §
885 §
886 _____, 2021 § _____

887 Steve Adler
888 Mayor

889
890
891 **APPROVED:** _____
892 Anne L. Morgan
893 City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk